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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,418	05/15/2001	Junichi Kurihara	112857-237	8950

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CHICAGO, IL 60690-1135

EXAMINER
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LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 10/06/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/855,418

Applicant(s)

KURIHARA ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 9-15, 17, 19-25, 27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al (US Patent 5,926,624) in view of Crawford (US Patent 5,771,354).

As per claims 1, 11 and 21, Katz discloses a system comprising:

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a content library for storing a plurality of content files (fig. 2, # 260, # 262, col. 5, lines 46-67, col. 6, lines 1-3);

library managing means for managing said content library (fig. 2, # 261);

delivery managing means for managing the delivery of a content file to a user terminal unit (fig. 2, # 241), wherein the content managing portion and the user terminal unit are connected through a network (fig. 2, # 240); and

wherein the content managing portion is operated from the user terminal unit through the network so as to manage a content file of each user (fig. 2, # 214).

Katz does not explicitly teach customer file storing means, having areas assigned to individual users, for storing content files for the individual users and customer file managing means for managing said customer file storing means. However, Crawford teaches client data files can store on the internet server storage (abstract, lines 4-10, figs. 5, 6a, col. 24, lines 51-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because it can provides great flexibility the limitations on the storage capabilities of customer computer may be troublesome to the user at times (e.g., if a hard disk failure does occur, or if the user wants to try out a new program but does not have the space on his hard drive to load the new program onto it).

As per claims 2, 12 and 22, Katz teaches wherein said customer file managing means manages the areas assigned to individual users such that a user area assigned to an individual user can be accessed from only the user terminal unit of the user to whom the user area has been assigned (col. 8, lines 19-33); and wherein said customer

file managing means processes a content file stored in the user area corresponding to a command received from the user terminal unit of the user to whom the user area has been assigned (col. 8, lines 15-20).

As per claims 3, 5 and 7, Crawford teaches wherein said customer file managing means manages the used state of the user area with a database (col. 8, lines 44-48).

As per claim 4, 14, and 24, Katz teaches wherein said customer file managing means allows the used state of the user area to be displayed by the user terminal unit of the user to whom the user area has been assigned (col. 8, lines 53-62).

As per claim 9, 19, and 29, Crawford teaches wherein the content file purchasing process is performed by copying the content file that the user wants to purchase from said library to the user area for the user (col. 30, lines 5-52).

As per claims 10, 20, and 30, Crawford teaches wherein an automatic delete on / off option can be designated to a content file stored in each user area, and wherein when a new content file is stored to the user area, if the storage capacity of the user area becomes insufficient, said customer file managing means deletes a content file designated with the automatic delete on option from the user area (col. 8, lines 41-48).

Claims 13, 15, 17, 23, 25 and 27 have similar limitations as claims 3, 5 and 7; therefore, they are rejected by the same subject matter.

Claims 6, 8, 16, 18, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al (US Patent 5,926,624) in view of Crawford (US Patent 5,771,354) and further in view of Rebane et al (US Patent 5,978,567).

As per claims 6, 8, 16, 18, 26 and 28 Katz and Crawford do not explicitly teach wherein said library managing means manages content files that are scheduled to be registered later to said library as well as content files currently stored in said library and wherein said delivery managing means performs a process for purchasing a content file corresponding to a user's delivery request when the content file has been registered to said library, and wherein said delivery managing means performs a process for purchasing a content file on a scheduled registration date when the content file is scheduled to be registered later. However, Rebane teaches a user can pre-order products (col. 4, lines 3-48, col. 10, lines 15-28). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of content files are scheduled to be registered in the library and delivery the content files on a scheduled registration date to user because it is not only minimizing the time required for all waiting online clients, but also promises or guaranty to the user that their pre-order products will be distributed to them when the scheduled registration date is set (just-in-time).

### ***Conclusion***

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le  
September 26, 2003



GRETA ROBINSON  
PRIMARY EXAMINER